

Evicted Tenants (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]



ARRANGEMENT OF CLAUSES.

Class.

1. Power to acquire land compulsorily.
 2. Provisions respecting acquisition of land and purchase money.
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 13. Expenses of improvement in case of land sold to evicted tenant by owner of estate.
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 15. Short title, &c.
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B I L L

[AS AMENDED IN COMMITTEE]

TO

Facilitate the provision of Land for certain Evicted Tenants in Ireland and for other purposes connected therewith, and to make provision with respect to the tenure of office by the Estates Commissioners. A.D. 1907.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1.—(1) If it appears to the Estates Commissioners that it is expedient to acquire any land for the purposes of this Act, they may acquire that land compulsorily for those purposes in accordance with the provisions of this Act, and shall declare any land so acquired to be an estate. Power to acquire land compulsorily.
- 10 (2) The expression "the purposes of this Act" means the provision of parcels of land for—
- 15 (a) evicted tenants to whom this Act applies, that is to say, persons mentioned in paragraph (d) of subsection one of section two of the Act of 1903, who made application to the Estates Commissioners before the first day of May nineteen hundred and seven to be put in occupation of holdings, and whom those Commissioners consider to be fit and proper persons to become purchasers under the Land Purchase Acts; and
- 20 (b) new tenants to whom this Act applies, that is to say, tenants, and persons nominated by the Estates
- [Bill 291.] A

A.D. 1907.

Commissioners as personal representatives of tenants, of holdings formerly occupied by evicted tenants to whom this Act applies.

(3) No tenanted land shall be acquired compulsorily unless it is in the occupation of a new tenant to whom this Act 5 applies, and unless the Estates Commissioners, having regard to all the circumstances of the case, holding, and district, and to the cost involved, consider it expedient that the evicted tenant should be reinstated as a purchaser of that land.

Provisions
respecting
acquisition
of land and
purchase
money.

2. Where it is proposed that any land shall be acquired 10 compulsorily under this Act—

- (1) The Estates Commissioners shall publish a notice to that effect in the "Dublin Gazette" containing the prescribed particulars with respect to the land, and calling upon any persons interested in the land who may 15 object to the acquisition thereof under this Act to lodge in the office of the Land Commission within the prescribed period a statement of the grounds of their objection:
- (2) A copy of the aforesaid notice shall be served by the 20 Estates Commissioners as soon as may be, in the prescribed manner, upon the person who appears to them to be the owner of the land, and upon all persons known or believed by them to be interested therein:
- (3) At any time after the publication of the aforesaid notice, 25 any inspectors and other persons appointed by the Estates Commissioners may enter upon the land, and do all such things as may be necessary for the purpose of enabling the Commissioners to determine whether the land is suitable for the purposes of this Act and 30 to estimate the price thereof:
- (4) If it appears to the Estates Commissioners, after considering the report of their inspectors and any objections to the acquisition of the land lodged as aforesaid, that the land is suitable for the purposes 35 of this Act, and that no valid objection has been raised to such acquisition, they may, if they think fit, make an offer to the person appearing to them to be the owner of the land for the purchase thereof at such price as appears to them *prima facie* to be a reasonable 40 price:

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- (5) The Estates Commissioners shall, upon making such offer, give notice in the prescribed manner to all persons known or believed by them to be interested in the land of their intention to acquire the same at the aforesaid price, unless within the prescribed period a petition is presented to the Land Commission by any person interested praying that the land shall not be so acquired without further inquiry :
- (6) If no petition has been presented, or if every such petition has been withdrawn, the Estates Commissioners may, if they think fit, without further inquiry, and on payment of the purchase money into the Bank of Ireland by the Land Commission, make an order vesting the land in the Land Commission :
- (7) If a petition has been presented, and has not been withdrawn, the petition and all questions arising thereon, shall, subject to the provisions of section twenty-three of the Act of 1903 with respect to questions of law, be heard and determined by the Estates Commissioners, or any two of them, and their decision shall be final and conclusive :
- (8) When all such questions have been determined the Estates Commissioners may, if they think fit, and on such payment as aforesaid being made, make the vesting order.

3.—(1) Where the Estates Commissioners have acquired any tenanted land under this Act, they may serve a notice on any new tenant thereon which shall have the effect of determining the tenancy in the holding in his occupation as from the date mentioned in the notice, not being less than six months from the service thereof.

Power to determine tenancies.

(2) The Estates Commissioners shall, within three months from the service of the aforesaid notice, offer to put the new tenant forthwith into possession of a parcel of land which will be subject to an annuity under the Land Purchase Acts not exceeding in amount the rent payable by him for the said holding, and which is, in the opinion of the Estates Commissioners, of not less value, in respect of the land comprised therein, than the value of the land comprised in the said holding, and which, in the opinion of the said Commissioners, is as suitably

A.D. 1907. provided with buildings and other requirements as the said holding.

(3) If the new tenant is dissatisfied with the parcel of land offered to him, or refuses to enter into possession thereof, the Estates Commissioners shall, after hearing him, or giving him an opportunity of being heard, award such sum as appears to them to be full compensation for his interest in the said holding in like manner as if the holding had been resumed by the landlord under the powers in that behalf conferred by section five of the Land Law (Ireland) Act, 1881.

44 & 45 Vict.
c. 49.

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(4) A tenant to whom compensation has been awarded under this section shall not be compelled to quit his holding until the amount of compensation due to him has been paid or deposited in the prescribed manner.

(5) Where a new tenant is put into possession of a parcel of land the Estates Commissioners may order that such charges, liabilities and equities as affected the tenant's interest in the former holding, shall either continue to affect that holding or be transferred to the said parcel of land.

Expenses in
relation to
improvement
of land, &c.

4.—(1) Any expenses incurred or compensation payable by the Estates Commissioners in relation to land acquired under this Act in the exercise of the powers conferred by section twelve of the Act of 1903, or, by the provisions of this Act relating to the determination of tenancies, shall be paid out of the reserve fund mentioned in section forty-three of the Act of 1903, and, if and so far as that fund is insufficient, shall be paid as part of the expenses of the Land Commission.

(2) Regulations under subsection three of the said section forty-three may provide for the repayment to the account of the expenses of the Land Commission of any money paid under the foregoing provisions of this section as part of the expenses of the Land Commission and recovered by way of an increase of price on resale.

(3) All costs and expenses in the opinion of the Judicial Commissioner necessarily and properly incurred by any petitioner in respect of a petition under this Act, or by any new tenant on a hearing before the Estates Commissioners, or by any person having a claim upon the purchase money of land acquired under this Act in the ascertainment of the title to and distribution of that money, shall be paid as part of the expenses of the Land Commission to the person who incurred such costs or expenses.

5. If the amount of the purchase money of any land acquired by the Estates Commissioners under this Act is greater than the total amount of the purchase money at which the land could, in the opinion of the Estates Commissioners, if unimproved, be reasonably resold for the purposes of this Act, the Lord Lieutenant may authorise the Estates Commissioners to incur loss on such resale, to such extent as may be determined by him with the assent of the Treasury, and the amount of that loss shall be paid out of the Land Purchase Aid Fund and credited to the Irish Land Purchase Fund in redemption of an equal amount of the original advance.

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Power to
incur loss on
resale.

6. No untenanted land shall be acquired compulsorily under this Act which forms part of any demesne, home farm, garden, or pleasure ground, or which is the property of a railway or canal company, and which is, or may be, required for the purposes of their undertaking, and in the exercise of the powers for the compulsory acquisition of land conferred by this Act the Estates Commissioners shall, in the case of untenanted land, avoid all interference with the demesne and amenity of residence of the owner of the land, or with any home farm or land immediately adjoining and customarily occupied with his residence, and land shall be selected with due regard to the general situation and convenience of the owner's property, so as to diminish the value thereof as little as possible.

Restriction
on the ac-
quisition of
land.

7. Section ninety-one of the Lands Clauses Act, 1845, which makes provision in case of refusal to deliver possession of lands, is hereby incorporated with this Act, and in construing the said section as so incorporated this Act shall be deemed to be the special Act and the Estates Commissioners shall be deemed to be the promoters of the undertaking.

Incorporation
of
§ Vict. c. 18,
s. 91.

8.—(1) So long as a holding provided out of land acquired under this Act, and sold to an evicted tenant, is subject to an annuity under the Land Purchase Acts, the interest of the purchaser in the holding shall not be transferred on a voluntary sale without the consent of the Land Commission.

Holdings not
to be trans-
ferred with-
out consent
of Land
Commission.

(2) No holding purchased by an evicted tenant, whether under the Act of 1903 or this Act, shall be made available in any bankruptcy, or by any process or proceeding of law, to pay, satisfy, or discharge, in whole or in part, any debt contracted or incurred by such evicted tenant prior to the date of the order vesting such holding in him.

A.D. 1907.

Advances to
new tenants.

9. Advances under the Land Purchase Acts may be made for the purchase of parcels of land by any new tenants to whom this Act applies, in like manner as if they were mentioned in section two of the Act of 1903.

Surplus
lands.

10. Any land acquired under this Act which is not required for the purposes of this Act may be sold under the Land Purchase Acts to any person mentioned in section two of the Act of 1903.

Application
of Acts.

11. The Land Purchase Acts shall apply, in the case of land acquired under this Act, in like manner as if the land were purchased by agreement, with the necessary modifications, and in particular the date of the payment of the purchase money into the Bank of Ireland shall be substituted for the date of the purchase agreement, and the provisions of section fourteen of the Land Law (Ireland) Act, 1887, with respect to money paid into the Bank of Ireland shall apply where money is so paid under this Act, and, in the application of section twenty-three of the Act of 1903, the foregoing provisions of this Act shall be substituted for the provisions of that Act specified in the said section.

Tenure of
office by
Estates Com-
missioners.
54 & 55 Vict.
c. 48.

12.—(1) The Estates Commissioners shall hold office by the same tenure as if they were county court judges in Ireland.

(2) Subsection five of section twenty-three of the Act of 1903 is hereby repealed.

Expenses of
improvement
in case of
land sold to
evicted
tenant by
owner of
estate.

13.—(1) Regulations made by the Treasury may provide that where the Land Commission have expended money on the improvement of a parcel of land sold by the owner of an estate to a person mentioned in subhead (d) of subsection one of section two of the Act of 1903, and the value of the said parcel has in consequence been increased, the National Debt Commissioners may advance to the Land Commission for repayment to the reserve fund mentioned in section forty-three of the Act of 1903, such sum as represents the increase of value consequent on the improvement, and such advance shall be repaid by the tenant purchaser as if it were an advance made under the Land Purchase Acts for the purchase of the said parcel.

(2) The annuity payable in respect of an advance made in pursuance of this section shall, in accordance with regulations made by the Treasury, be consolidated and made payable with the purchase annuity payable in respect of the purchase money of the parcel of land.

14. The Congested Districts Board for Ireland may, out of any funds at their disposal, make a free grant to any tenant reinstated by them in a holding, his tenancy in which had been determined, for the purpose of assisting him to rebuild or repair
 5 any buildings on the holding, or to purchase stock or seed.

Power to
 Congested
 Districts
 Board to as-
 sist ejected
 tenants.

15. This Act may be cited as the Ejected Tenants (Ireland) Act, 1907, and shall be construed as one with Part One of the Irish Land Act, 1903, in this Act referred to as "the Act of 1903," and may be cited with the Land Purchase Acts.

Short title,
 &c.
 3 Edw. 7.
 c. 37.

**Evicted Tenants
(Ireland).**

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B I L L

[*AS AMENDED IN COMMITTEE*]

To facilitate the provision of Land for certain Evicted Tenants in Ireland and for other purposes connected therewith, and to make provision with respect to the tenure of office by the Estates Commissioners.

Ordered to be brought on by

*Mr. Birrell, Mr. Attorney-General for Ireland,
and Mr. T. W. Russell.*



*Ordered, by The House of Commons, to be Printed,
24 July 1907.*

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